

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL NO. 12-0056-WS</b>
	)	
<b>LORENZO TAYLOR, JR.,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

The defendant was convicted and sentenced in 2015. (Docs. 202, 232). He did not appeal, and he did not file a motion to vacate under 28 U.S.C. § 2255. His first post-sentencing filing was made in September 2019 and consisted of a “request for sentence correction under Section/Rule 60(b)(1).” (Doc. 251). The Court denied the motion on multiple grounds, including that Rule 60(b) “cannot be employed to secure relief from a *criminal* judgment.” (Doc. 253 at 2 (emphasis in original)).

The defendant next sought relief in July 2022, in the form of a “motion for relief from a judgment or order pursuant to Federal Rules of Civil Procedure ... Rules 60(b)(4) and (6).” (Doc. 273). The Court again denied relief on the grounds that “Rule 60(b) simply does not provide for relief from judgment in a criminal case ....” (Doc. 274 at 1 (internal quotes omitted)).

Almost a year later, in July 2023, the defendant appealed that ruling. (Doc. 275). The defendant later filed a motion for leave to proceed on appeal in forma pauperis, (Doc. 279), which the Court denied for the familiar reason that, because Rule 60(b) does not provide a vehicle for relief from a criminal conviction or sentence, his appeal was frivolous and not taken in good faith. (Doc. 280).

The defendant has now filed a “motion for issuance of a certificate of appealability.” (Doc. 283). The order for which the defendant seeks such a certificate is the order denying his 2022 motion under Rule 60(b). (*Id.* at 2). Had the defendant filed a motion to vacate, had such a motion been denied, and had the defendant then filed a Rule

60(b) motion challenging the Court's ruling on the motion to vacate, the defendant would have employed Rule 60(b) correctly, and he would require a certificate of appealability as a prerequisite to appeal. As noted, however, the defendant never filed a motion to vacate, and his Rule 60(b) motions were filed as an attack on his conviction and sentence, not as a challenge to a (non-existent) ruling on a (non-existent) motion to vacate. The defendant's usage of Rule 60(b) continues to be futile, and his pursuit of a certificate of appealability is both unnecessary and meritless.

For the reasons set forth above, the defendant's motion for issuance of a certificate of appealability is **denied**.

DONE and ORDERED this 19<sup>th</sup> day of December, 2023.

s/ WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE